

House Bill 967 (AS PASSED HOUSE AND SENATE)

By: Representatives Martin of the 47th, Barnard of the 166th, and Forster of the 3rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 31-6-47 of the Official Code of Georgia Annotated, relating to
2 exemptions from the certificate of need program, so as to exempt prisons and other secure
3 correctional institutions of the Department of Corrections and the Department of Juvenile
4 Justice from certificate of need requirements; to provide for legislative findings; to provide
5 for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 The General Assembly finds that the safety of the citizens of this state is an important and
9 primary goal for the well-being of this state. The General Assembly also recognizes that
10 there is an obligation to provide certain medical treatment to prisoners in penal institutions
11 in this state. The General Assembly further finds that transporting prisoners to community
12 hospitals for medical treatment presents a difficult situation of controlling the detainment of
13 prisoners while ensuring the safety of the general public. To this end, some penal institutions
14 may elect to establish medical facilities in such institutions to provide the most secure option
15 for rendering medical treatment to prisoners. It is the belief of the General Assembly that
16 for purposes of public safety and because these medical facilities do not compete with
17 hospitals open to the public, penal institutions should not have to obtain a certificate of need
18 for the establishment of such medical facilities.

19 **SECTION 2.**

20 Code Section 31-6-47 of the Official Code of Georgia Annotated, relating to exemptions
21 from the certificate of need program, is amended by striking the "and" at the end of
22 paragraph (15) of subsection (a), by striking the period at the end of paragraph (16) of
23 subsection (a) and replacing it with "; and", and by adding a new paragraph to the end of
24 subsection (a) to read as follows:

“(17) Infirmaries or facilities operated by, on behalf of, or under contract with the Department of Corrections or the Department of Juvenile Justice for the sole and exclusive purpose of providing health care services in a secure environment to prisoners within a penal institution, penitentiary, prison, detention center, or other secure correctional institution. This shall include correctional institutions operated by private entities in this state which house inmates under the Department of Corrections or the Department of Juvenile Justice.”

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.